



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/897,103

07/03/2001

Mark H. Hellbusch

P 0272846

9248

26285

7590

01/31/2005

KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

EXAMINER

NAJJAR, SALEH

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,103

Applicant(s)

HELLBUSCH ET AL.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2157

1. This office action is responsive to the application filed on July 3, 2001. Claims 1-31 are pending.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 1-31 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-25 of prior U.S. Patent No. 6,647,420. This is a double patenting rejection.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, and 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheard et al., U.S. Patent No. 6,208,345 in view of Butman et al., U.S. Patent No. 5,870,562.

Sheard teaches the invention substantially as claimed including a visual data integration system and method (see abstract).

As to claim 1, Sheard teaches a federated system with state comprising:

- a. a data exchange infrastructure (see fig. 1; col. 8, lines 25-30);
- b. consolidated data stores, connected to the data exchange infrastructure (see fig. 3; col. 12, lines 10-15, Sheard discloses a data store);
- c. means for core services, connected to the data exchange infrastructure (see fig. 4; col. 10, lines 40-55, Sheard discloses that process management systems through legacy or proprietary applications are allowed to interact through the data exchange infrastructure);
- d. means for public process applications, connected to the data exchange infrastructure (see fig. 4; col. 10, line 47, Sheard discloses that user applications are used);
- e. a plurality of private process connectors, each connected to the data exchange infrastructure and each adapted to connect with a private process application of a participant (see figs. 1-5; col. 8, lines 20-25, Sheard discloses adapter modules); and
- f. a web connection, connected to the data exchange infrastructure and adapted to connect to third party services (see fig. 3; col. 10, lines 35-40, Sheard discloses a web connection);

Sheard fails to teach the claimed limitation of a bus. Sheard does teach that data exchange infrastructure is used as a transport mechanism and can include LAN networks (see col. 7-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sheard by specifying the data exchange infrastructure as a bus since the same functionality of implementing a transport mechanism is achieved.

Sheard fails to teach the claimed limitation wherein the consolidated data stores contain retail automotive industry data including, a. an operational data store, b. automobile customers, a data warehouse for automobile service, automobile parts. Sheard does teach that any business application legacy or proprietary can exchange information on the data exchange infrastructure (see col. 11-12)

However, Butman teaches a system and method for universal domain routing and publication control system (see abstract). Butman teaches the limitation of consolidated data stores that contain retail automotive industry data including, a. an operational data store, b. automobile customers, a data warehouse for automobile service, automobile parts (see col. 17, lines 20-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sheard in view of Butman to incorporate a consolidated data stores that contain retail automotive industry data including, a. an operational data store, b. automobile customers, a data warehouse for automobile service, and automobile parts since doing so allows major manufacturing companies to communicate using the data exchange infrastructure.

and the core services include:

a. management of participant trading agreements; b. public process application integration (see col. 12, lines 25-30, Sheard discloses that business logic is implemented to process content of one or more data streams according to the rules set by the user);

d. integration of private process applications to public processes, metachannel support and directory, e. data transformation; and internal business support functions, including monitoring and billing (see figs. 8-11; col. 13-14; col. 23, lines 35-50);

Sheard fails to teach the limitations of public process applications that include:

a. a warranty workflow application; b. a Parts management application; c. a service scheduling application; d. a service history application, and e. an inventory management application, the private process connectors include: a. a dealer management system connector; b. a dealer communication system connector; c. an automobile manufacturer internal system connector; and d. a finance company internal system connector, the participants include a. automobile consumers, b. automobile manufacturers; government entities; d. automobile exchanges; and e. external data suppliers.

However, Butman teaches a system and method for universal domain routing and publication control system (see abstract). Butman teaches the limitation of public

process applications that include: a. a warranty workflow application; b. a Parts management application; c. a service scheduling application; d. a service history application, and e. an inventory management application, the private process connectors include: a. a dealer management system connector; b. a dealer communication system connector; c. an automobile manufacturer internal system connector; and d. a finance company internal system connector, the participants include a. automobile consumers, b. automobile manufacturers; government entities; d. automobile exchanges; and e. external data suppliers (see col. 17, lines 20-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sheard in view of Butman to incorporate applications that include: a. a warranty workflow application; b. a Parts management application; c. a service scheduling application; d. a service history application, and e. an inventory management application, the private process connectors include: a. a dealer management system connector; b. a dealer communication system connector; c. an automobile manufacturer internal system connector; and d. a finance company internal system connector, the participants include a. automobile consumers, b. automobile manufacturers; government entities; d. automobile exchanges; and e. external data suppliers since doing so allows major manufacturing companies and consumers to communicate using the data exchange infrastructure.

the connectors comprise: a. an application specific interface (see col. 14-15), b. a translation layer (see col. 14, lines 1-5, Sheard discloses a converter); and c. an interface specific to the bus (see col. 11-12, Sheard discloses an adapter interface),

Sheard fails to teach the limitation wherein the third party services comprise: a. automotive finance; b. lead management; c. automotive research, d. insurance; and e. parts locator .

However, Butman teaches a system and method for universal domain routing and publication control system (see abstract). Butman teaches the limitation of a. automotive finance; b. lead management; c. automotive research, d. insurance; and e. parts locator (see col. 17, lines 20-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sheard in view of Butman to incorporate applications that include: a. automotive finance; b. lead management; c. automotive research, d. insurance; and e. parts locator since doing so allows major manufacturing companies and consumers to communicate using the data exchange infrastructure.

and the data exchange infrastructure (bus) comprises a. a physical bus, with a plurality of channels b. a metachannel for connecting channels to each other; (see col. 23, lines 30-40; col. 24, lines 15-30 meta model and queues);

c. a plurality of compound processes that interact with the plurality of channels and the metachannel (see col. 31, lines 24-35, meta definition and business application object template); d. a first process engine to facilitate the reading of messages from, and the writing of messages to channels (see col. 14, lines 25-34, processing thread); e. a metachannel engine to control the interactions with the metachannel (see col. 32, lines 21-20, map object); f. a metachannel repository that stores process services available to a plurality of applications (see col. 14, lines 25-30, rules module 32); g. a singular process model to identify the steps to be taken by a singular public process engine for processing a singular public process (see col. 14, rules model module); and h. a conductor that interacts with the compound processes to process the messages (see figs. 1-5; col. 12, lines 40-65, business logic), wherein the conductor comprises:

a. a second process engine that executes compound processes (see coll. 12, lines 50-65, source and destination application); b. a compound process repository that stores compound processes (see col. 31, lines 20-40, meta definition); c. a process engine user interface to monitor and manage the second process engine (see col. 12, lines 60-65, visual interface); d. a conductor engine that controls the operation of the second process engine (see col. 12, lines 40-65, business logic engine); e. a conductor repository that stores participant objects and relationship objects (see col. 31, meta definition); and f. a conductor user interface to monitor and manage the conductor engine (see col. 12, lines 40-65, visual interface).

Claims 4-9, 11-14 do not teach or define any new limitations claim 1 and therefore is rejected for similar reasons.

6. Claims 2, 10, 15-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheard et al., U.S. Patent No. 6,208,345.

Sheard teaches the invention substantially as claimed including a visual data integration system and method (see abstract).

As to claim 2, Sheard teaches a federated system with state comprising:

a. a data exchange infrastructure (bus), wherein one element of the bus is a conductor comprising:

a second process engine that executes compound processes(see col. 12, lines 50-65, source and destination application); 2. a compound process repository that stores compound processes (see col. 31, lines 20-40, meta definition); 3. a process engine user interface to monitor and manage the second process engine (see col. 12, lines 60-65, visual interface); 4. a conductor engine that controls the operation of the second process engine (see col. 12, lines 40-65, business logic engine); 5. a conductor repository that stores participant objects and relationship objects (see col. 31, meta definition), and 6. a conductor user interface to monitor and manage the conductor engine (see col. 12, lines 40-65, visual interface)., b. consolidated data stores, connected to the bus (see fig. 3; col. 12, lines 10-15, Sheard discloses a data store); c. means for core services, connected to the bus (see fig. 4; col. 10, lines 40-55, Sheard discloses that process management systems through legacy or proprietary applications are allowed to interact through the data exchange infrastructure); d. means for public process applications, connected to the bus (see fig. 4; col. 10, line 47, Sheard discloses hat user applications are used); a plurality of private process connectors, each connected to the bus and each adapted to connect with a private process application of a participant (see figs. 1-5; col. 8, lines 20-25, Sheard discloses adapter modules); and f. a web connection, connected to the bus and adapted to connect to third party services (see fig. 3; col. 10, lines 35-40, Sheard discloses a web connection).

Sheard fails to teach the claimed limitation of a bus. Sheard does teach that data exchange infrastructure is used as a transport mechanism and can include LAN networks (see col. 7-11).

Art Unit: 2157

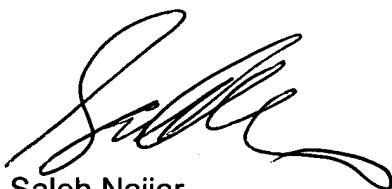
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sheard by specifying the data exchange infrastructure as a bus since the same functionality of implementing a transport mechanism is achieved.

Claims 10, and 15-31 do not teach or define any new limitations above claims 1-9, 11-14 and therefore are rejected for similar reasons

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Saleh Najjar

Primary Examiner / Art Unit 2157